

# 10 ESSENTIAL FACTS ABOUT ASYLUM SEEKERS

(produced by the *Edmund Rice Centre* - June 2011)

## 1. Asylum seekers are not illegal immigrants

Asylum seekers are people seeking international protection, whose claims for 'refugee status' have not yet been determined. They are not 'illegal immigrants' because under both international and domestic laws, they have a legal right to enter Australia to seek asylum. Whether they arrive by plane or by boat is immaterial, as they are not supposed to be penalised for the manner of their entry.

## 2. A person does not require a passport or official papers to seek asylum

The Refugee Convention provides the right to seek asylum in any place one can reach. Applying for a passport, or approaching UN offices or an Australian Embassy, can be far too dangerous for some refugees. These actions can put their lives, and their families', at risk. In such cases refugees may have to bypass regular migration channels and travel using forged documents. Presenting false documents in asylum countries might be considered an offence. Therefore, it might often be wise to discard these life-saving, yet falsified documents, before approaching foreign officials. By arriving & seeking our protection without papers they commit no offence.

## 3. Australia's share of the world's asylum seekers is tiny

According to UNHCR's figures 1,181,215 asylum seekers sought recognition in 2009 but Australia received only 6,206. This was only 0.53% of global asylum applications. Of 44 industrialised nations Australia ranked 16<sup>th</sup> overall - but on a per capita basis ranked 21<sup>st</sup>.

## 4. Other countries have far greater numbers of refugees than Australia

Australia with 22,548 refugees and people in refugee-like situations, ranks 47<sup>th</sup> in the world. This is compared to Pakistan (1,740,711), Iran (1,070,488), Syria (1,054,466) Germany (593,799), Jordan (450,756), Kenya (358,928), Chad (338,495), China (300,989), USA (275,461) and UK (269,363). On a per capita basis, Australia is far behind poorer countries such as Jordan, Syria, Republic of Congo, Chad and Iran, and is also well behind other wealthy countries such as Sweden, Norway, Canada, and Germany.

## 5. Asylum seekers and refugees do not receive more favourable treatment or higher benefits

Claims that refugees in Australia are entitled to higher benefits than other social security recipients are unfounded. All boat arrivals are subject to the same assessment processes as those who come by air. Charities and churches often provide support to settle in. How much money an asylum seeker had in their home country is immaterial to determining their 'well-founded fear of persecution'.

## 6. Boat people are not 'queue jumpers' and there is no queue in Malaysia

There is no orderly queue for asylum seekers to join. Only a very small proportion of asylum seekers are registered with the UNHCR and only 1% of those are resettled. A 'queue' is something people join and eventually reach the top of. This is not the case in countries like Malaysia, with over 80,000 refugees and asylum seekers, and where it would take 158 years to reach the front. UN Human Rights Commissioner Navi Pillay says Australia is the only country where asylum seekers are demonised as 'queue jumpers'.

## 7. Australia's deportation deal with Malaysia is not a regional solution

Malaysia has a very poor human rights record and is not a signatory to the Refugee Convention. Thus, refugees have no legal status, cannot work, and are regularly subject to exploitation, discrimination and abuse, including well documented cases of caning and torture. Malaysia has regularly deported asylum seekers back to the dangers they are fleeing. Australia's deportation deal with Malaysia is a bilateral arrangement between two countries - not a regional solution.

## 8. Mandatory detention system needs urgent reform

Australia's system of mandatory detention jails people who have committed no offence regardless of age, sex, or state of health. The greatest sanction our nation has is to withdraw someone's liberty and is usually reserved for serious crime. At the very least, detention should be limited to 30 days for health, ID and security checks, and any extension of that should require the permission of a court.

## 9. Refugees have been good for Australia

Over 750,000 refugees and displaced people have settled in Australia since nationhood. Australia has a good record in receiving people from across the world. From Sir Gus Nossal, Frank Lowy, Nick Greiner, Hon Jim Spiegelman, comedian Anh Do, Dr Victor Chang, former Young Australian of the Year Tan Le, SBS' Les Murray, artist Judy Cassab, and Dr Karl Kruszelnicki, to thousands of hard-working former refugee families across the nation – clearly refugees have been good for Australia. Let's not forget it.

## 10. To silence racism towards refugees and asylum seekers we need bipartisan political leadership

On her recent visit, UN Human Rights Commissioner Navi Pillay commented that when it came to the mandatory detention system, 'there is a racial discriminatory element here in the inhumane treatment of people'. Former PM Malcolm Fraser seemed to concur when he commented that 'we wouldn't do this to boatloads of white Zimbabwean farmers'. The country urgently needs a return to a bi-partisan approach to the issue of asylum seekers and refugees. Our leaders need to stop appealing to fear where there is no basis for it, and once again build policy based in facts - consistent with our international obligations, including taking human rights seriously.



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- please complete and return form to:

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### 4) Website Donations

Secure online donations are managed for ERC by eGive – please visit: <http://www.erc.org.au/donate>

Thank you for your generosity in supporting the Edmund Rice Centre. A receipt will be sent to you when your donation has been processed. For all enquiries contact us by phone on (02) 8762-4200 or by email to [donations@erc.org.au](mailto:donations@erc.org.au)



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# YES! I Want to Support Justice for Asylum Seekers and Refugees



Dear Friends

For almost nine years at the Edmund Rice Centre we have researched the question: **What happens to the asylum-seekers that Australia rejects?** Now more than ever, the Edmund Rice Centre re-commits to this work.

In the continual attacks on asylum seekers, facts and accurate information are regularly replaced with appeals to fear and xenophobia. As a result, the system of mandatory detention needs urgent overhaul; more than **600 children** remain in immigration detention; Australia is planning to return asylum seekers to Afghanistan despite the fact the country cannot offer any protection to them; and the people-swap with Malaysia is not the regional solution that is needed.

We have seen this before. Under the Pacific Solution, there were no protections afforded to people returned to the countries they escaped from. As a result, returnees and their families became targets and quite a number were killed.

Leadership that appeals to fear diminishes us a nation. Innocent people who have appealed to us for help in their distress have a right to be protected, and their cases assessed. Risks must not be taken with their lives. We are better than this, but we must act to make it so.

In response, the Edmund Rice Centre is committed to:

1. **RESEARCH** into the fate of deported asylum seekers in Afghanistan, Sri Lanka, the Middle East and now Malaysia
2. **ADVOCATE** publicly for the rights of refugees and asylum seekers to be protected, with politicians and media
3. **EDUCATE** with accurate information, to reclaim the truth and defend human values (*see over page*)
4. **PROVIDE DIRECT ASSISTANCE** to refugees and asylum seekers through literacy classes, case work, organising legal representation, finding accommodation, and providing furniture and household goods for families leaving detention.

Today I am asking you to support justice for asylum seekers and refugees making a tax deductible donation to ERC today.

**Please feel free to use the information over the page to raise awareness in your community, and among your friends, family and colleagues. Let's reclaim the facts and values.**

With *your* support *our* work to support asylum-seekers and refugees can continue. Thank you so much.

Yours sincerely

Phil Glendenning,  
Director



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